

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS PRICING	:	
ANTITRUST LITIGATION	:	MDL 2724
	:	16-MD-2724
	:	
	:	
THIS DOCUMENT RELATES TO:	:	
	:	
<i>Humana Inc. v. Actavis Elizabeth, LLC, et al.</i>	:	18-cv-3299
	:	
<i>Marion Diagnostic Center, LLC, et al. v. McKesson Corp., et al.</i>	:	18-cv-4137
	:	
<i>In re: State Attorneys General Litigation</i>	:	17-cv-3768
	:	
<i>Ahold USA Inc., et al. v. Actavis Holdco U.S., Inc., et al.</i>	:	18-cv-2641
	:	
<i>The Kroger Co., et al. v. Actavis Holdco U.S., Inc., et al.,</i>	:	18-cv-284
	:	
<i>West Val Pharmacy, et al. v. Actavis Holdco U.S., Inc., et al.</i>	:	18-cv-2533
	:	
<i>1199SEIU National Benefit Fund, et al. v. Actavis Holdco U.S., Inc., et al.</i>	:	18-cv-2401
	:	
	:	

**DEFENDANT GLENMARK PHARMACEUTICALS INC.,
USA’S INDIVIDUAL MOTION TO DISMISS PLAINTIFFS’
SHERMAN ACT CLAIMS IN THE MULTI-DRUG COMPLAINTS**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), and for the reasons set forth in the accompanying Memorandum of Law, Defendants’ Joint Motion to Dismiss Plaintiffs’ Overarching Conspiracy Claims, and Defendants’ Joint Motion to Dismiss State Plaintiffs’ Federal Law Claims for Failure to State a Claim, Defendant Glenmark Pharmaceuticals Inc., USA (“Glenmark”), by and through its undersigned counsel, respectfully moves this Court to

dismiss the following overarching and individual Sherman Act claims asserted in Plaintiffs’

Multi-Drug Complaints:¹

- DPP ACAC, Count 1 (overarching Sherman Act, Sections 1 and 3 claim);
- EPP CAC, Count 1 (overarching Sherman Act, Sections 1 and 3 claim);
- IRP ACAC, Count 1 (overarching Sherman Act, Sections 1 and 3 claim);
- Kroger AC, Count 1 (overarching Sherman Act, Section 1 claim);
- Kroger AC, Count 15 (individual Sherman Act, Section 1 claim (Fosinopril-HCTZ));
- Kroger AC, Count 27 (individual Sherman Act, Section 1 claim (Pravastatin));
- Marion AC, Count 1 (overarching Sherman Act, Section 1 claim);
- Humana AC, Count 106 (overarching Sherman Act, Section 1 claim);
- Humana AC, Count 110 (overarching Clayton Act, Section 16 claim for violations of Sherman Act, Sections 1 and 2); and
- States’ CAC, Counts 1-5, 7-18 (overarching Sherman Act, Section 1 claims (Nimodipine, Zoledronic Acid, Meprobamate, Doxycycline DR, Doxycycline Mono, Acetazolamide, Fosinopril-HCTZ, Glipizide-Metformin, Glyburide, Glyburide-Metformin, Leflunomide, Nystatin, Paromomycin, Theophylline, and Verapamil)).

Pursuant to Rule 7.1(f) of the Local Rules of Civil Procedure, Glenmark requests oral argument with respect to this motion.

¹ The Multi-Drug Complaints are: Direct Purchaser Plaintiffs’ Amended Class Action Compl., No. 18-cv-2641, Dkt. No. 12 (“DPP ACAC”); End Payer Class Action Compl., No. 18-cv-2401, Dkt. No. 2 (“EPP CAC”); Indirect Reseller Plaintiffs’ Amended Class Action Compl., No. 18-cv-2533, Dkt. No. 4 (“IRP ACAC”); The Kroger Plaintiffs’ Amended Compl., No. 18-cv-284, Dkt. No. 36 (“Kroger AC”); The Marion Plaintiffs’ First Amended Compl., No. 18-cv-4137, Dkt. No. 23 (“Marion AC”); Humana, Inc.’s Amended Compl., No. 18-cv-3299, Dkt. No. 30 (“Humana AC”); and Plaintiff States’ Consolidated Amended Compl., No. 17-cv-3768, Dkt. No. 15 (“States’ CAC”).

Dated: February 21, 2019

Respectfully submitted,

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